

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota
October 18, 19, 20 and 21, 2021

Parole Board meetings were held on October 18, 19, 20 and 21, 2021 at various locations in the State of South Dakota. A Full Board meeting was held on Wednesday October 20, 2021 at the South Dakota State Penitentiary in Sioux Falls commencing 12:52 PM with the following present.

Myron Rau, Board Chair
Gordy Swanson, Vice Chair
Kirstin Aasen, Member
Ken Albers, Member
Gregg Gass, Member
Peter Lieberman, Member (Zoom)
Ed Ligtenberg, Member (Zoom)
Chuck Schroyer, Member
Rev. Patricia White Horse – Carda, Member (Zoom)
Brad Lewandowski, Director SD Board of Pardons and Paroles
Karena Cassidy, Senior Secretary
Stacy Cole, Corrections Analyst
Traci Fredrikson, Operations Supervisor
April Maeschen, Program Assistant I (Zoom)
Val McGovern, Corrections Specialist (Zoom)
Jessica Beeck, Corrections Analyst Intern
Rachel Boyer, Corrections Analyst Intern(Zoom)

Quorum Present? Yes

REPRESENTATIONS: Catherine Schlimgen, Staff Attorney representative, was available for questions.

SPECIAL GUESTS: Dusti Werner Risk Reduction Manager, Terry Cummings, Senior Secretary (Pierre), Tom Lais, Senior Case Manager (Zoom), Ian Miller, Case Manager, Charity Briton, Intern, Jerod Hettich, Case Manager, MiRanda Ward, Case Manager, Misty Waagmeester, Case Manager, Lindsey Miller Parole Agent.

HEARING PANELS: Board Member Lieberman was unavailable on Monday, October 18, 2021. Board Chair Rau held parole hearing in Pierre on Monday, October 18, 2021. Board Member Albers held hearings in the Library Large Room at Durfee State Prison. Board Members White Horse – Carda and Ligtenberg held hearings in the 3rd room at Durfee State Prison. Board Members Schroyer and Aasen held hearings in the Library 100 Room at the Durfee State Prison. Board Chair Rau held hearings at the JPA Old Chapel on Wednesday, October 20, 2021. Ed Ligtenberg was unavailable on October 21, 2021. Auxiliary Member Smith attended the Thursday Full Board meeting.

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (NINE MEMBERS) IN SIOUX FALLS
WEDNESDAY, OCTOBER 20, 2021:

The following offender appeared before the full board for a Parole hearing. Vice Chair Swanson made a motion to grant parole. Board Member White Horse - Carda seconded the motion. Board Chair Rau and Board Member Gass voting nay, all other board members voting aye, the motion carried.

Erick Fox

The following offender appeared before the full board for a Parole hearing. Board Member Aasen made a motion to grant parole. Vice Chair Swanson seconded the motion. Board Chair Rau and Board Members Aasen and Ligtenberg voting nay, all other board members voting aye, the motion carried.

Joseph Big Leggins

Sioux Falls, South Dakota
October 18, 19, 20 and 21, 2021

Parole Board meetings were held on October 18, 19, 20 and 21, 2021 at various locations in the State of South Dakota. A Full Board meeting was held on Thursday October 21, 2021 at the South Dakota State Penitentiary in Sioux Falls commencing at 8:01 AM with the following present.

Myron Rau, Board Chair
Gordy Swanson, Vice Chair
Kirstin Aasen, Member
Ken Albers, Member
Gregg Gass, Member
Chuck Schroyer, Member
Peter Lieberman, Member (Zoom)
Mark Smith, Auxiliary Member
Rev. Patricia White Horse – Carda, Member (Zoom)
Brad Lewandowski, Director SD Board of Pardons and Paroles
Karena Cassidy, Senior Secretary
Stacy Cole, Corrections Analyst
Traci Fredrikson, Operations Supervisor
April Maeschen, Program Assistant I
Val McGovern, Corrections Specialist (Zoom)
Jessica Beeck, Corrections Analyst Intern

Quorum Present? Yes

REPRESENTATIONS: Catherine Schlimgen, Staff Attorney was available for questions.

MINUTES: Board Member Schroyer made a motion to approve the minutes from the September 2021 meeting of the Board. Board Member Gass seconded the motion. All members voting aye; the motion carried.

SPECIAL GUESTS: Tom Lais, Senior Case Manager, Kayla Stucky, Field Director Parole Services, Rick Leslie, Director of Classification and Transfer, Lindsey Miller, Parole Agent. The following attended over Zoom Terry Cummings, Staff Support (Pierre)

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (NINE MEMBERS) IN SIOUX FALLS THURSDAY, OCTOBER 21, 2021:

The following offender appeared for a paper review by the full board for an early/partial discharge. Auxiliary Member Smith made a motion partial discharge of 3 years. Board Member Albers seconded the motion. All board members voting aye, the motion carried.

Todd Schmahl

The following offender appeared for a paper review by the full board for an early/partial discharge. Board Member Aasen made a motion to grant a early final discharge. Board Member White Horse – Carda seconded the motion. Auxiliary Member Smith voting nay, all other board members voting aye, the motion carried.

Daniel Witt

DIRECTOR'S REPORT: Director Lewandowski was available and updated the board on the following: Parole Board Office Parole Board Office All of September's hearings were held in person apart from those that required staff intensive transports and initial non-compliance appearances for those not housed in Sioux Falls. Guests were given the option of attending in person or on Zoom. October's hearings will be held in the same manner. The board received training on the Alternatives to Violence program with Denny Davis, Mary Montoya, and Eva Kelly in September. Program Assistant April Maeschen was selected as the Parole Division Employee of the Quarter for April-June 2021 due to her outstanding work ethic and attitude. Congrats, April! Stacy Cole went through the PDQ process with BHR and her position was reclassified from a corrections analyst to a corrections specialist. Congrats, Stacy! Board staff are working with a company called Servos to assist with the Governor's portal website (a one-stop shop website for all state agencies being developed). Staff are also working with BFM (Bureau of Finance & Management) on a risk management process to ensure DOC has fraud prevention processes in place. The board is once again holding suspended sentence violation hearings on offenders who received in-system crimes. The office received 12 pardon applications in September and hearings are being scheduled four months out. The governor acted on several clemency applications in September, granting 16 pardons and one commutation and denying three pardons and one commutation. There are twelve pardons and one commutation recommended by the board pending a final decision. Board Chair Rau sent a letter of support to APAI endorsing them to host a SDMF Community of Practice Seminar. The board office receive a request from SD's ALCU chapter for the number of parole denials from July 13-September 13

based on a failure to complete substance use treatment. The information was compiled and submitted to them on 9/24. Changes are being implemented to enhance the parole violation process, including a new date calculation worksheet and only taking street time/imposing suspended time on the lengthiest transaction, amongst other improvements. The early discharge paperwork was amended to be transaction specific; when all active transactions are concurrent, the board's decision applies to all transactions. When one or more transactions are consecutive, the transaction(s) the board wishes to act upon must be noted, generally the transaction with the TED furthest in the future. Board staff have taken on reviewing GTL tablet phone requests for inmates to help the institution while they deal with staffing issues. This work takes 20-25 hours a week.

DIRECTOR OF FIELD SERVICES REPORT: Kayla Stucky was available and updated the board on the following: Parole Board Office Southeast Region Staff Update: Agents utilized in the SE have a caseload average of 62.36. Agents utilized in the SE have a workload average of 102.05% Current staffing: Two vacant positions (SF: 1 agent, 1 support staff), 5 agents in training (SF), 3 parole agent specialists in training; 1 support staff in training (SF). Interviews occurred for the support staff position. The agent position is an FTE that was moved from the Aberdeen Office. Parole agent specialists continue conducting the Moving On class. The Southeast Region supervised 7 extended confinement cases. Northeast Region Staff Update: Agents utilized in the NE have an average caseload of 70.49. Agents utilized in the NE have an average workload of 112.40%. Current staffing: 2 agents in training (1 Watertown, 1 Pierre), 1 support staff in training (Brookings), 4 vacant positions (1 agent-Aberdeen/Watertown, 1 agent-Mitchell, 1 agent-Pierre; 1 support staff-Mitchell). Tyalee Riggs, support staff in Mitchell, submitted her resignation effective September 8. This position has been listed. Watertown Agent William Pieper resigned effective 9/23/2021. This position has been listed (in Aberdeen and Watertown; the position will be assigned to whichever office has the best applicant). Pierre Agent Dan Garland transitioned to the Prison effective 9/21/2021. This position has been listed. Interviews for the Mitchell position have occurred; a conditional offer was accepted, and a polygraph will be scheduled. Juvenile Corrections Agent Thury assists with supervision of 16 cases in the Watertown office. Juvenile Corrections Agent Shawn Davis is assisting with the supervision of 17 cases in the Mitchell office. The Northeast Region supervised 10 extended confinement cases. West Region Staff Update: Agents utilized in the West Region have an average caseload of 65.42. Agents utilized have an average workload of 96.52%. Current staffing: 2 agents in training, 1 vacant parole agent position (RC – a conditional offer has been accepted and polygraph is being scheduled). Parole agent specialist Rachel Steinbauer started 9/13/21 in Rapid City. Parole agent specialists continue conducting the Moving On class. The West Region supervised 13 extended confinement cases.

Break 8:41 – 8:53

LEGAL ISSUES: Catherine Schlimgen was available and provided the following updates for the board:

Legislative Update-proposed change to non-compliance statute Official Meetings

BOARD TRAINING: DOC Institutional Classification with Rick Leslie and Dusti Werner.

POLICY REVIEW: The following policies were reviewed, and changes approved; 8.1.A.4 – Parole Date Review, 8.1.A.11 - Withholding Parole Eligibility, 8.1.A.16 – Compassionate Parole. Board Member Aasen made a motion to approve the above policies. Vice Chair Swanson seconded the motion. All members voting aye, the motion carried

RECUSALLS:

N/A

2022 SCHEDULE: Vice Chair Swanson made a motion to approve the 2022 Parole Board Schedule. Board Member Aasen seconded the motion. All member voting aye, the motion carried.

DECISIONS: Board Member Albers made a motion to ratify and affirm all decisions: Board Member Aasen seconded the motion. All members voting aye; the motion carried.

ATTACHMENTS – DECISIONS: Please refer to the attached listing entitled Board Decisions for all parole violations, suspended sentence violations, non-compliance, discretionary parole, earned discharge, and rescission decisions made by the Board this month.

ADJOURNMENT: The meeting adjourned at 11:12 AM, Thursday, October 21, 2021. The next board meeting is scheduled for November 18, 2021 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Myron Rau, Board Chair or Gordon Swanson, Vice Chair

Brad Lewandowski, Director

Submitted by:
Karena Cassidy
Senior Secretary